

Calendar No., 582.

55TH CONGRESS, }
2d Session. }

SENATE.

{ REPORT
{ No. 532.

KASKASKIA, PEORIA, PIANKESHAW, AND WEA INDIANS.

FEBRUARY 1, 1898.—Ordered to be printed.

Mr. MANTLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 246.]

The Committee on Indian Affairs, to whom was referred the bill (S. 246) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, report the same with amendment, and recommend the passage of the bill.

Under the provisions of the treaty of 1854, some 200,000 acres of land in Kansas belonging to the Kaskaskia, Peoria, Piankeshaw, and Wea Indians was ceded to the United States, in trust, to be sold and the proceeds invested for their benefit. By the terms of this treaty the lands were to be sold in the same manner in which public lands of the United States were sold, through the regularly established land offices, the Indians to have the entire proceeds after deducting the expense incident to the sale. Instead, however, of the lands being sold in the manner prescribed by the treaty, a special agent was appointed to conduct the sale, and who sold the whole of the trust lands, except 1,070 acres, between June 24 and July 13, 1857.

The Indians claim that between the time of appraisal and the time of sale the lands had appreciated in value at least \$1 per acre, but instead of being offered at public sale to the highest bidder, as required by the treaty, thereby giving them the benefit of competition, squatters were permitted to purchase the lands in large tracts at the appraised value, to the great detriment and loss of the Indians, the sale being rushed through and 200,000 acres of very valuable land disposed of in nineteen days.

The losses thus sustained by the Indians were, however, relinquished by them by the terms of the twenty-fifth article of the treaty of 1867 with them. They claim that through their ignorance they were overreached in negotiating the treaty of 1867, and that the relinquishment of their rights under the treaty of 1857 was unjust and unfair, and that

in a spirit of good faith and fair dealing they are entitled to a readjustment of the entire transaction, to the end that justice may be done them.

By article 24 of the treaty of 1867 with these Indians, it was provided that "an examination shall be made of the books of the Indian Office and an account current prepared stating the condition of their funds, and the representations of the Indians for overcharges for sale of their lands in 1857 and 1858 shall be examined, and if any amount is found due, such balance, together with the interest on their invested funds, shall be paid to them upon the 1st day of July, 1867." * * * (15 Stat. L., p. 519.)

Although this account current was to be rendered, and the amount found due was to be paid to the Indians on the 1st day of July, 1867, the account was not rendered until December 23, 1874. (See House Ex. Doc. No. 101, Forty-third Congress, second session.)

Nothing further was done toward a settlement with the Indians, as required by the treaty of 1867, until January 17, 1877, at which time the Senate Committee on Indian Affairs made a thorough and exhaustive report upon the matter, and wherein the sum of \$25,504.96 was found to be due these people. (Senate Report No. 582, Forty-fourth Congress, second session.) It is now nearly thirty years since, under the treaty of 1867, the amount due these Indians should have been paid to them, and more than twenty years since the date of the report of the Senate committee. The Indians have been kept out of the use of this money for nearly a third of a century. These people are very poor. Of all the vast domain once owned by them, and the proceeds thereof, this pittance is all that remains, and the Government ought not in good faith to longer withhold from them what is legally and justly due them.

The relief sought by the proposed legislation meets with the approval of the Secretary of the Interior and Commissioner of Indian Affairs. The Commissioner suggests certain amendments which your committee have adopted, and the bill is favorably reported with recommendation that it pass.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 2, 1896.

SIR: I have the honor to be in receipt, by your reference of the 27th ultimo, of a communication, dated the 26th ultimo, from the House Committee on Indian Affairs, inclosing H. R. 9145, entitled "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians."

The bill enacts—

"That the Secretary of the Interior be, and he is hereby, authorized and required to reopen and restate the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, under the treaties of eighteen hundred and fifty-four and eighteen hundred and sixty-seven, and that in such restatement of said account be restored to their credit such sums or portions of their trust funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit; and to enable the Secretary of the Interior to indemnify the funds of said Indians for any diminution which they have sustained thereby, the sum of — thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated."

In response I have the honor to report that legislation similar to the foregoing was heretofore sought to be enacted and was at the time favorably reported upon by this office. I would respectfully recommend, however, that the bill be amended in the following particular: That in lieu of a specific sum being named it be amended so as to appropriate a "sufficient sum" to cover the findings, if any, of the Secretary of the

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Interior. And further, I would recommend that the following proviso be inserted: *Provided*, That before any payment, if any, shall be made to said Indians under this act the sum of \$1,181.60 shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

I will add that there are letters on file in this office showing Mr. Richardville's claim to be a just and valid one.

The bill referred to is herewith respectfully returned, with the recommendation for favorable action by the Department.

Very respectfully,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., June 4, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of 29th ultimo, inclosing for report H. R. 9145, "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians."

In response thereto I transit herewith copy of communication of 2d instant from the Commissioner of Indian Affairs, to whom the matter was referred, and copy of Executive document containing recommendation therein referred to.

The Commissioner recommends certain amendments to the bill.

Very respectfully,

WM. H. SIMS, *Acting Secretary*.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.